

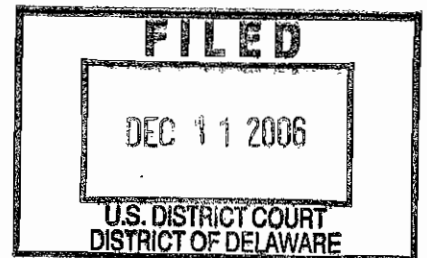
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

William J. HAMMONS,
petitioner,

V.

CIV. ACT. NO. 05-718-KAJ

THOMAS CARROLL, WARDEN,
AND CARL C. DANBERG, ATTORNEY
GENERAL OF THE STATE OF DELAWARE



RD scanned

Motion TO Amend

Comes now, the petitioner, William J. HAMMONS, pro-se, and pursuant to Rule 15(a) OF THE FEDERAL RULES OF CIVIL PROCEDURE AND MOVES THIS COURT FOR LEAVE TO AMEND HIS ORIGINAL 28 U.S.C. 2254 motion/petition. IN SUPPORT THEREOF PETITIONER OFFERS THE FOLLOWING:

1) IN Ground THREE OF HIS ORIGINAL petition, petitioner actually argued THREE separate and distinct grounds, each independent of each other, however, BECAUSE HE IS A NOVICE IN LAW,

petitioner REASONED LEGAL INNOCENCE, FACTUAL INNOCENCE, AND INSUFFICIENT EVIDENCE TO SUSTAIN A CONVICTION could all be put in one ground BECAUSE THE SUPPORTING FACTS WERE ESSENTIALLY THE SAME FOR EACH ground. HE NOW BELIEVES THIS TO BE WRONG BECAUSE OF ON GOING RESEARCH.

2) petitioner MOVES THIS COURT TO RULE ON ALL THREE CLAIMS IN ground THREE OF HIS petition AND TREAT THEM AS THREE SEPARATE independent grounds. OF THE THREE CLAIMS, INSUFFICIENT EVIDENCE TO SUSTAIN A CONVICTION IS A due process claim THAT MUST BE HANDLED DIFFERENTLY THAN THE OTHER TWO BECAUSE IT ARGUES A CONSTITUTIONAL VIOLATION.

3) TREATING THESE CLAIMS AS THREE SEPARATE AND independent grounds WOULD GIVE THE STATE AN opportunity TO RESPOND TO EACH ONE SEPARATELY WHICH THEY DID NOT DO IN THEIR ANSWER BUT SHOULD BE GIVEN A FAIR opportunity TO ANSWER.

4). Leave to Amend His petition Should Be Freely Given When Justice So Requires. F.R.C.P. 15(A). In This Case, petitioners inexperience in legal procedures and proper formatting of arguments in addition to the important Constitutional and non-Constitutional arguments before this Court, would argue that Justice does require he be allowed to Amend His petition at this time.

5). This is His First and only amendment to His original petition.

Wherefore, For The Reasons Advanced Herein, Petitioner Respectfully Request He Be allowed to Amend His original 0254 petition as requested herein in the interest of Justice.

XC: File

Respectfully Submitted,
William J. Hammons
William J. Hammons
Del. Corr. Ct2.
1181 Paddock Rd.
Smyrna, DE. 19957

CERTIFICATE OF SERVICE

I, William J. HAMMONS, Hereby
CERTIFY THAT I HAVE SERVED A TRUE AND
CORRECT COPY OF THE ATTACHED motion TO
AMEND ON THE FOLLOWING PARTIES ON
THIS 12th day OF DECEMBER, 2006, BY
PLACING THE SAME IN THE INSTITUTIONAL
MAIL BOX AT THE DELAWARE CORRECTIONAL
CENTER, SMYRNA, DE. 19977.

TO: ELIZABETH R. MCFARLAN
Deputy Attorney General
Dept. OF JUSTICE
820 N. FRENCH ST.
WILM., DE. 19801

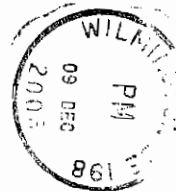
TO: CLERKS OFFICE
U.S. DISTRICT COURT
844 N. KING ST.
LOCKBOX-18
WILM., DE. 19801-3570

TO: THOMAS CARROLL
DEL. CORR. CTR.
1181 PADDOCK RD.
SMYRNA, DE. 19977

DATE: 12-12-06

William J. Hammons
William J. Hammons
DEL. CORR. CTR.
1181 PADDOCK RD.
SMYRNA, DE. 19977

1M William J. Harmons
SBI# 166134 UNIT MTH 23
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



OFFICE OF THE CLERK
United States District Court
844 N. King St. - LockBox-18
Wilmington, DE
19801

136013513-33 C012

